

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

In Re: Yolanda A. Davis,) Case No. 05-59504-705
)
 Debtor,) Chapter 7
)
 Tracy A. Brown, Chapter 7 Trustee,) Adversary No. 06-4339-399
)
 Plaintiff,) Default Order and Judgment
)
 vs.)
) re: mtn 6
 Yolanda A. Davis,)
)
 Defendant.)
)

DEFAULT ORDER AND JUDGMENT

Upon Plaintiff's Complaint and a review of the record as a whole, the Court finds as follows:

1. This Court has jurisdiction over the subject matter of this Complaint pursuant to 28 U.S.C. §1334 and venue is proper pursuant to 28 U.S.C. §409(a).

2. This is a core proceeding under 28 U.S.C. §157(b)(2)(K).

3. On October 14, 2005 Debtor herein filed a voluntary petition seeking relief under Chapter 7 of the Bankruptcy Code. Tracy A. Brown is the trustee appointed to serve in this case.

4. On November 14, 2006 the Trustee filed this Complaint seeking revocation of the Discharge Order entered by the Court on or about January 4, 2006 and for turnover of certain sums of money, to wit: \$4,385.94, representing the non-exempt portion of Debtor's 2005 State and Federal Income Tax Refund

5. On November 22, 2006 Plaintiff served the Complaint and Summons in this case upon the parties by First Class Mail at the addresses provided by Debtor, said address being the last known address for Defendant. Plaintiff's mail has not been returned as undelivered. Such service is sufficient notice in compliance with federal Bankruptcy Rule 7004(b).

6. On January 3, 2006, the Plaintiff served via the Court's ECF system or by First Class Mail a Request to Clerk to Enter Default upon the parties.

7. On January 4, 2006, the Clerk of the Court entered the default of Yolanda Davis in the court docket in this case.

8. No responsive pleading has been filed to the Complaint, Request for Entry of Default or Entry of Default by Yolanda Davis

9. Yolanda Davis remains in default.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

A. The Discharge Order previously entered by this Court on or about January 4, 2006 is hereby **REVOKE**D;

B. Defendant Yolanda Davis is hereby ordered to pay to Tracy A. Brown, Chapter 7 Trustee, the sum of \$4,385.94, representing the non-exempt portion of Debtor's 2005 State and Federal Income Tax Refund and the sum of \$1,092.50 as and for her attorney fees herein;

C Judgment is hereby entered in favor of Plaintiff, Tracy A. Brown, Chapter 7 Trustee and against Defendant Yolanda Davis in the amount of \$5,478.44;

D. Said judgment will bear such interest as is allowed by law;

E. Costs are taxed against Defendant.

DATED: March 23, 2007

St. Louis, Missouri
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Barry S. Schermer
Barry S. Schermer
Chief United States Bankruptcy Judge

Copy mailed to:

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